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**INJUNCTIONS — ACTS RESTRAINED — INTERFERENCE WITH ABUTTER'S RIGHT OF FREE ACCESS.** — Speakers of the Socialist party gathered crowds continuously before the plaintiffs' factory, vilified the owners and urged the workers to strike and join the Socialist party. To a bill for an injunction *pendente lite*, a general permit from the mayor was pleaded. *Held*, that the injunction should be granted. *American Mfg. Co. v. Lindgren*, 48 N. Y. L. J. 19 (Sup. Ct., Sept., 1912).

It is a general rule that a temporary injunction will be granted if the plaintiff shows a probable right, and a threatened injury to that right which if not enjoined will cause damage difficult to remedy, and if such damage is greater than the injury the injunction will cause to the defendant. *Colorado Eastern R. Co. v. Chicago, B. & Q. Ry. Co.*, 141 Fed. 898; *Charles v. City of Marion*, 98 Fed. 166. The right of an abutting owner to free access to his premises is well recognized. *West v. Brown*, 114 Ala. 118, 21 So. 452; *Jagues v. National Exhibit Co.*, 15 Abb. N. Cas. (N. Y.) 250. The injury threatened, if continued, would be one difficult to remedy. *Elias v. Sutherland*, 18 Abb. N. Cas. (N. Y.) 126. To require a temporary cessation of the meetings in the principal case would cause the defendants little hardship and would be of great benefit to the plaintiff. The interference with the plaintiffs' right of access is, moreover, such special damage as will give them a right to a permanent injunction, the municipal permit not justifying such interference. *Branahan v. Hotel Co.*, 39 Oh. St. 333; *McCaffrey v. Smith*, 41 Hun (N. Y.) 117. Furthermore, as the plaintiffs owned the fee in the street, the defendants could be considered as trespassers, since their acts were beyond the reasonable user permitted the public. *Harrison v. Duke of Rutland*, [1893] 1 Q. B. 142; *Adams v. Rivers*, 11 Barb. (N. Y.) 390. The repeated trespasses could then be enjoined. *Smithers v. Fitch*, 82 Cal. 153, 22 Pac. 935; *Owens v. Crosset*, 105 Ill. 354. On either ground a permanent injunction could be granted, and *a fortiori* an injunction *pendente lite* is proper.

**INJUNCTIONS — ACTS RESTRAINED — SHERMAN ANTI-TRUST ACT: RIGHT OF PRIVATE PARTY TO SUE.** — Minority stockholders of a railroad company moved for a temporary injunction to restrain a competing railroad company from purchasing a majority of the stock of the former road in violation of the Sherman Anti-Trust Act. *Held*, that the injunction should be granted. *Delavan v. New York, New Haven, and Hartford R. Co.*, 137 N. Y. Supp. 207 (Sup. Ct.).

The only party expressly authorized to maintain a bill in equity for injunctive relief for a violation of the provisions of the Sherman Act is the United States by its district attorney, under the direction of the Attorney General. 3 U. S. COMP. STAT., 1901, p. 3201, § 4. Private redress for injury due to its violation is allowed by an action at law for damages. 3 U. S. COMP. STAT., 1901, p. 3202, § 7. Moreover, the statute is penal in its nature. 3 U. S. COMP. STAT., 1901, pp. 3200 *et seq.*, §§ 1-3, 7. Therefore it would seem that by a proper construction a private party cannot institute direct proceedings in equity to enforce its terms. Where the injury is indirect this is well settled. *Minnesota v. Northern Securities Co.*, 194 U. S. 48, 24 Sup. Ct. 598. By the weight of authority the same rule applies where the injury is direct. *Pidcock v. Harrington*, 54 Fed. 821; *Blindell v. Hagan*, 54 Fed. 40. *Contra*, *Bigelow v. Calumet & Hecla Mining Co.*, 155 Fed. 869. But it is not believed that the Sherman Act intended to limit the common law, and if the acts complained of give sufficient basis for an injunction to issue aside from the Sherman Act, it should not be construed as abrogating that right. The decision of the principal case is correct on this view, for the purchase of the majority stock for the purpose of controlling the company and preventing competition is ground for equitable relief to the minority stockholders, independent of statute. *Dunbar v. American Tel. & Tel. Co.*, 224 Ill. 9, 79 N. E. 423. See 20 HARV. L. REV. 495.